

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONTE JAMAL McCLELLON,  
Defendant.

Case No. CR22-73 LK

TEMPORARY DETENTION ORDER

On July 29, 2022, Mr. McClellon was released on an appearance bond that included restrictions that he appear at all court hearings and that his travel be restricted to the Western District of Washington or as directed by Pretrial Services. (Dkt. ## 38-39.) Mr. McClellon failed to appear at hearings set for December 22 and 28, 2022, and a bench warrant was issued on December 28, 2022. (Dkt. ## 70-74.)

On January 31, 2023, Mr. McClellon self-surrendered and made an appearance at a hearing on his motion to quash the warrant. The government presented evidence that in January 2023, Mr. McClellon left the jurisdiction in violation of his appearance bond and was in New York during much of that time. The government proffered evidence that shows Mr. McClellan had logged into his email address from the state of New York and had received a food delivery in

1 his name at his apartment in New York which was confirmed by a witness in his apartment  
2 building. Mr. McClellan provided a photo of his wrist with a hospital wrist band dated December  
3 28, 2022, and an email indicating that his attorney's letter to him with the December 28, 2022,  
4 court date had not been delivered.

5 At the hearing, the Court quashed the warrant and advised Mr. McClellan of the  
6 allegation contained in the petition alleging that he violated the condition that he appear for all  
7 court hearings. Mr. McClellan neither denied nor admitted the allegation so the Court entered a  
8 denial on his behalf and, pursuant to 18 U.S.C. § 3148, set an evidentiary bond revocation  
9 hearing for February 2, 2023.

10 The Court, having considered the information provided by the government regarding Mr.  
11 McClellan's leaving the jurisdiction, Mr. McClellan not appearing for two court dates, and not  
12 communicating with pretrial services or his counsel during this time, and based upon the reasons  
13 for detention hereafter set forth and as stated on the record, finds:

14 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

15 (1) On July 29, 2022, Mr. McClellon was released on an appearance bond that  
16 included restrictions that he appear at all court hearings and that his travel be restricted to the  
17 Western District of Washington, or as directed by Pretrial Services.


18 (2) Mr. McClellon is alleged to have failed to abide by the terms of his bond.

19 (3) Based on the allegations that he failed to adhere to the appearance bond  
20 conditions, there does not appear to be any condition or combination of conditions that will  
21 reasonably assure Mr. McClellon's appearance at future court hearings.  
22  
23

1 IT IS THEREFORE ORDERED:

- 2 (1) Mr. McClellon shall be temporarily detained pending an evidentiary hearing, and  
3 committed to the custody of the Attorney General for confinement in a correction  
4 facility separate, to the extent practicable, from persons awaiting or serving  
5 sentences or being held in custody pending appeal;
- 6 (2) Mr. McClellon shall be afforded reasonable opportunity for private consultation  
7 with counsel;
- 8 (3) On order of a court of the United States or on request of an attorney for the  
9 government, the person in charge of the corrections facility in which Mr.  
10 McClellon is confined shall deliver him to a United States Marshal for the  
11 purpose of an appearance in connection with a court proceeding; and
- 12 (4) The Clerk shall direct copies of this Order to counsel for the United States, to  
13 counsel for Mr. McClellon, to the United States Marshal, and to the United States  
14 Pretrial Services Officer.

15 Dated this 31<sup>st</sup> day of January, 2023.

16  
17   
18 MICHELLE L. PETERSON  
19 United States Magistrate Judge  
20  
21  
22  
23